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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,541	12/17/2003	Shieh Yeuau Tau	6792-16	8266
4897	7590	05/13/2005	EXAMINER	
ROBERT C. KAIN, JR. 750 SOUTHEAST THIRD AVENUE SUITE 100 FT LAUDERDALE, FL 333161153			LEE, GUNYOUNG T	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/738,541

Applicant(s)

TAU ET AL. 

Examiner

Gunyoung T. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                                     |

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The word "said" is used throughout the abstract.
3. Applicant is also reminded to update the first paragraph of the specification (page1, lines 1-2).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 1, 4, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ko (US 6,334,270) in view of McKinley et al. (US 4,280,122)

8. In regards to claim 1, 4, 5 and 7, Ko discloses an adornment structure (Fig. 1 and 4) having:

- A plurality of light emitting diodes (LEDs) (Fig. 4, 119) mounted beneath, as well as around a view area;

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- A scene board mounted to a superstructure (Fig. 1, 12) behind the view area;
- A plurality of apertures (Fig. 1, 126) on the scene board which permits passage of light through.

9. However, Ko does not disclose: a fiber optic light system mounted behind the scene board (of claim 1); a backboard to sandwich the fiber optic light system between the backboard and the scene board (of claim 4); multiple colors of light emitted from the fiber optic light system (of claim 7).

10. In regards to the fiber optic light system (of claim 1) emitting multiple colors of light (of claim 7) and the backboard to sandwich the fiber optic light system (of claim 4), McKinley et al. disclose:

- A fiber optic light system (Fig. 1, 26, 27, 28) which is mounted behind the scene board (9);
- The fiber optic light system provides multiple colors of light (col. 3, lines 12-16);
- A backboard (12) which is placed behind the fiber optic light system to sandwich the fiber optic light system between the backboard and the scene board.

11. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the fiber optic light system as shown in McKinley et al. in the place of a LED lateral illumination (Fig. 4, 117) of Ko. The lateral illumination from the fiber optic light system makes the view area of the adornment structure more attractive. The LED light system for upward illumination and the fiber optic system for lateral illumination are inherently connected to the control circuit board as mentioned by Ko (col. 1, lines 60-63).

12. Claim 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ko and McKinley et al. as set forth above, and further in view of Stevens et al. (US 5,493,618).

13. Ko and McKinley et al. show the invention substantially as claimed except for an audio control system with preprogrammed sequential control activities to turn ON and OFF the multiple lights (LEDs and fiber optic light system).

14. In regards to the audio control system with preprogrammed sequential control activities, Stevens et al. disclose an acoustic electrical control system which controls multiple lighting systems with audio signals (e.g. hand-clapping sounds) (col. 2, lines 15-20, 46-57) based on the preprogrammed sequential control activities (Fig. 3A, 3B). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the acoustic electrical control system of Stevens et al. for the adornment structure of Ko modified by McKinley et al. The acoustic electrical control system activates LEDs and the fiber optic light system with audio sound (hand-clapping) based on the preprogrammed sequential control activities. The use of the acoustic control system for lights provides hand free control of the lighting systems, which is useful to many people including handicapped persons with difficulty moving around a room.

15. Claim 6 and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ko, McKinley et al, and Stevens et al as set forth above, and further in view of Morrison (US 6,241,362).

16. Ko, McKinley et al, and Stevens et al. show the invention substantially as claimed except for LEDs emitting multiple colors of light.

17. In regards to the LEDs emitting multiple colors of light, Morrison discloses a lighted display emitting variable colors. The combination of three light emitting diodes (LEDs) (Fig. 1, 26), each emitting one of the three subtractive primary colors (i.e., red, yellow, and blue), provides any color of the visual spectrum by varying the electrical power to the respective LED (col. 5, lines 49-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the LEDs emitting multiple colors of light as shown in Morrison for the adornment structure of Ko modified by McKinley et al and Stevens et al. in order to provide the variety of colors without additional labor which retain the interest of people for a longer time.

18. Claim 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ko, McKinley et al, Stevens et al, and Morrison.

19. The claim 14-16 recite an obvious illuminating method of the adornment structure of Ko modified by McKinley et al, Stevens et al., and Morrison. The modified adornment structure having:

- Illuminating with upwardly direct light from a plurality of light emitting diodes (LEDs) (by Ko and Morrison);

- Laterally illuminating with laterally directed light from a fiber optic light system (Ko and McKinley et al.);
- Reflecting and refracting light from LEDs and laterally directed light from fiber optic light system (Ko and McKinley et al.);
- Sequentially turning ON and OFF colored LED light and light from fiber optic light system (Ko, McKinley et al., Stevens et al. and Morrison);
- Audio signal controlling the LEDs and the fiber optic light system to turn ON and OFF (Ko, McKinley et al., Stevens et al. and Morrison).

20. The combination of Ko, McKinley et al, Stevens et al, and Morrison provide a structure that would operate in the manner recited in the claims 14-16.

### ***Conclusion***

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hansen (US 6,279,835) shows a water fountain with a view area (Fig. 1), lateral and vertical lighting mechanisms (Fig. 6, 76, 64) and a flow display surface (46). Hasegawa (US 4,807,092) shows a optical decoration system having optical fibers (Fig. 1, 8), a metal plate (12) having network of drilled through holes (13), and a light source (2) with a color filter (6). Chang (US 5,488,273) shows a control circuit controlling multiple electrical systems including lamps with hand-clapping sounds. Robb (US 5,619,182) shows a configurable color selection circuit which allows a user to select a base color with a tri-colored LED system. Matthias et al. (US 5,165,778) show



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an aquarium lighting system having fiber optic strands (Fig. 6, 80) which may provide lateral illumination, and LEDs on the bottom which provide upward illumination.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gunyoung T. Lee whose telephone number is (571) 272-8588. The examiner can normally be reached on 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GTL  
5/10/2005

  
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